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Fifty-second session

Summary record of the 7th meeting
Held at the Palais Wilson, Geneva, on Thursday, 1 May 2014, at 10 a.m.

Chairperson: Mr. Kedzia

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The meeting was called to order at 10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Initial report of Indonesia (continued) (E/C.12/IDN/1; E/C.12/IDN/Q/1 and Add.1; HRI/CORE/IDN/2010)

1. *At the invitation of the Chairperson, the delegation of Indonesia took places at the Committee table.*

2. **Mr. Darmono** (Indonesia) said that land use in the provinces of Papua and West Papua was regulated by national and provincial legislation, as well as by Law No. 20 on the special autonomy of those provinces. Article 43 of Law No. 21 granting the Papua province special autonomy provided that the Papuan authorities had the obligation to respect and protect Masyarakat Hukum Adat, and regulated, inter alia, the use of the lands to which customary law applied (*hak ulayat*). Those lands could be used only with the consent of the persons concerned and against compensation. The Government could only issue a licence to use the land for a maximum of 35 years, after studying a file providing details of the activities that would be carried out there.

3. Thanks to the many measures adopted to combat poverty in Papua and West Papua, the poverty rate had been halved between 1999 and 2013. The Government had devised a social policy to accelerate the pace of development enabling Papuans to play an active role in development, and several programmes introduced in Papua and West Papua had, among other things, helped to provide Papuan students in all public universities throughout the country with grants, to increase the number of health-care facilities in the two provinces and to establish basic infrastructures to improve transport links between cities. Other programmes had been implemented to strengthen the skills of local staff.

4. **Mr. Amiruddin** (Indonesia) said that Papua had over 280 ethnic groups and as many languages. Such groups of sometimes more than 10,000 people, lived in extensive areas, in the mountains or on the coast and had been taking part in Papuan political and cultural life since the granting of special autonomy, through their representatives on the Papuan People's Council and the Papuan People's Representative Council.

5. **Mr. Arif** (Indonesia) said that people who lived near Waduk Pluit had been evicted because the regional authorities, which owned the land, wanted it to be used once again for its original purpose, namely to protect Jakarta against floods. Some of the families affected had been relocated to Jakarta, while others had returned to their region of origin or other parts of the country.

6. **Ms. Grandty** (Indonesia) said that the aim of policies relating to the environment was to anticipate the consequences of climate change and to control pollution while allowing the country's economic development.

7. **Mr. Temmanengnga** (Indonesia) said that, in 2012, regulations had been adopted governing the acquisition of land for public purposes. Land could be acquired only after a feasibility study had been carried out of the chosen location for the project in question, the costs involved, and the usefulness of the project and the impact of the use of such land on the environment.

8. **Mr. Anshor** (Indonesia) said that Masyarakat Hukum Adat were special communities governed by oral legal systems and were not indigenous peoples within the meaning of the Declaration on the Rights of Indigenous Peoples. Since the composition of the Indonesian population had not changed since the colonial era, Indonesia considered the

entire population as indigenous. That did not mean, however, that certain provisions of the Declaration were not relevant, in particular those relating to prior and informed consent or customary law.

9. Indonesia had not ratified any international instrument establishing an individual complaint system since several complaint mechanisms had been set up in the country, including the National Human Rights Commission and the Ombudsman. Nonetheless, that did not close the door to international complaint mechanisms: Law No. 39 of 1999 guaranteed everyone the right to submit an individual complaint to the competent international mechanisms. Lastly, the eradication of corruption, a scourge preventing the State party from fully complying with its human rights obligations, was a Government priority

10. **Mr. Saragih** (Indonesia) said that the informal sector was not covered by the law on manpower. A national health-care system had been created on 1 January 2014. The establishment of a social protection system was a priority for the country.

11. Indonesia had ratified the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100). Labour inspectors were responsible for monitoring compliance with labour law. There was a minimum wage in each region. It was set by the Governor of the region, based on the recommendations issued by the Regional Council responsible for wages using information about the needs of the population and the minimum standard of living in the region, among other criteria.

12. The settlement of industrial disputes was governed by a law dating from 2004. Complaints could be submitted individually or collectively. If it was not possible to settle the dispute at company level within 30 days, either party could refer the matter to the Committee for the settlement of industrial disputes, which decided at first instance on trade union conflicts, or the Supreme Court for labour disputes. At the district and regional levels, the Ombudsman could make a recommendation within 30 days with a view to reaching an agreement. In the absence of an agreement between the parties, the dispute could be brought before a labour tribunal and thereafter the Constitutional Court. The whole procedure should not take more than 150 days.

13. The law on manpower should enter into force in 2015. It would establish the respective shares for employers and employees in pension funds. Oversight of the mechanism for monitoring migrant workers was carried out by the person in charge of the mechanism, in consultation with the national body for the protection of migrant workers. Employment agencies needed a licence to operate that was issued only if they met strict criteria and withdrawn if they had infringed the law; 28 agencies had lost their licence in that way in 2013.

14. The Government considered that there was no discrimination against women in the workplace. The minimum wage established by law was the same for men and women. The Government would be interested in seeing the information available to the Committee on discriminatory situations.

15. **Mr. Anshor** (Indonesia) said that the bill on domestic workers had not yet been adopted. It established the maximum number of working hours, a minimum wage, the duration of paid maternity leave and a range of benefits. Indonesia had begun the process of ratifying the ILO Domestic Workers Convention, 2011 (No. 189), whose provisions would be incorporated into the law.

16. **Mr. Simanjuntak** (Indonesia) said that by law civil servants did not have the right to strike. Officials must place the interests of the State above their own interests and could not engage in activities in conflict with their duties. They were liable to penalties for failure

to fulfil their obligations but were rewarded when they performed their duties in an exemplary manner.

17. **Ms. Bras Gomes** said that the question she had asked about workers without a contract concerned workers in the formal employment sector, where 80 per cent of workers were apparently employed. She considered that the minimum threshold of social protection was not incompatible with the Jamsostek programme but could help to bring together all existing assistance programmes, particularly in the informal sector.

18. **Ms. Shin** said that the concept of equal pay laid down in article 7 of the Covenant referred to work of equal value and not to the same work. It was therefore necessary to devise a system that could measure that value. Indonesia must interpret those provisions and use the definition of discrimination against women contained in article 1 of the Convention on the Elimination of All Forms of Discrimination against Women in order to assess whether women were discriminated against in the workplace. She asked whether there was a person or department responsible for receiving complaints directly from migrants whose rights had been violated by employment agencies.

19. **Mr. Sadi** asked for more information about the protection of Indonesian domestic workers abroad. He wished to know whether effective measures had been taken to combat child labour, and what programmes were being implemented to help street children.

20. **Mr. Saragih** (Indonesia) said that the Indonesian Government wanted to include informal work in the Jamsostek programme so that people employed in the informal sector could benefit from social security; the aim was to enable all citizens to benefit from social protection by June 2015. There were two types of employment contracts in Indonesia: permanent contracts which took effect at the end of the trial period and ended with retirement, and temporary contracts which could be concluded for a specific project and could not last more than three years. It was the Ministry of Labour that received complaints from migrant workers; the complaints were processed jointly with the national agency for the protection and placement of migrant workers. Lastly, companies with 10 employees or more must adopt a regulation prohibiting discrimination against women in particular.

21. **Mr. Anshor** (Indonesia) said that Indonesian workers abroad had comprehensive protection against any kind of violation. It was one of the priorities of foreign policy being pursued by Indonesia in cooperation with other countries under the Colombo Process and the Abu Dhabi Dialogue. Indonesia had also concluded bilateral agreements with countries whose social protection system was inadequate. In addition, regional agreements had been signed with neighbouring States members of the Association of the Southeast Asian Nations (ASEAN). Indonesia was in the process of drafting a legally binding instrument that would complement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which Indonesia was party.

22. **Ms. Harkrisnowo** (Indonesia) said that Indonesia had a national action plan on the elimination of the worst forms of child labour as well as an action plan on the prevention and elimination of human trafficking and the sexual exploitation of children. The programme to combat child labour had enabled more than 32,000 children to return to school. Partnerships had been forged with institutions dealing with children in 14 provinces for similar purposes.

Articles 10 to 12

23. **Ms. Ravenberg**, referring to reports that the universal health insurance programme launched by Indonesia had resulted in a saturation of services in hospitals and health centres, asked whether there had been a midterm review of the programme and what steps had been taken to remedy the problems. In view of the fact that the maternal mortality rate had increased by 63 per cent compared with 2007, mainly due to poor infrastructure, and a

shortage of health facilities and staff, she asked what was being done to make health care more accessible to women and in particular to Papuan women, disadvantaged women and women living in remote areas.

24. **Mr. Martynov** said that title had been granted for only 34 per cent of the land in Indonesia, which had given rise to a number of cases of misappropriation. He asked whether the Government planned to provide better legal protection for people's rights to land. Referring to the 2010-1014 plan to combat underdevelopment in certain islands, which had produced good results, he asked whether the fact that the list of underdeveloped areas was now shorter following the removal of certain underdeveloped regions meant that less money would be allocated to the remaining regions. He wished to know whether the Government intended to draft a new plan for after 2015.

25. **Mr. Sadi** asked what mechanism was in place to monitor observance of the minimum age for marriage and what measures were taken to protect women in polygamous unions.

26. **Mr. Kerdoun** asked whether water resources were the exclusive property of the State and whether their management could be outsourced to private companies.

27. **Mr. Abdel-Moneim**, referring to the table showing the central Government's expenditure on economic, social and cultural development from 2005 to 2011 (para. 284 of the report), asked why the Government had reduced to such an extent the funds allocated to "society public health services" and social protection for families and children. No explanation was given of the surge in fuel prices and other commodities in 2006, two years before the economic crisis, which had cause the poverty rate to increase twofold. He asked whether the State party gave direct aid to the poor to ensure their right to food and to stabilize prices of basic commodities, and the extent to which indirect taxes affected the budget of poor households.

28. **Ms. Werdaningtyas** (Indonesia) said that the rise in the number of cases of domestic violence reported did not reflect an increase in the phenomenon, but a better understanding among victims of their rights as a result of awareness-raising campaigns carried out. The Government intended to continue along those lines and ensure that the police and judges received training in how to handle victims properly. Generally, victims who withdrew their complaints did so because they had been successful in finding an alternative remedy, such as mediation. During court proceedings, victims received protection against any further offence or intimidation by their abusive partner. In nearly 1,000 hospitals in all provinces throughout the country women who had suffered violence received comprehensive care, namely health-care and counselling.

29. According to the national socioeconomic survey conducted in 2012, the marriage rate among girls aged 15 and under was 11 per cent. To combat the essentially rural practice, the Government had launched a campaign to raise awareness about the risks of teenage pregnancy, and had introduced free and compulsory education up to the age of 12 years.

30. The Government was in favour of monogamy; polygamy should remain an exception with the obligation for the spouse to protect the rights of his second wife and children from the second marriage

31. **Ms. Harkrisnowo** (Indonesia) said that rape victims must submit two pieces of evidence to the courts, namely the testimony of a person who could testify to the facts and a forensic report. Marital rape was criminalized in Indonesian law.

32. **Ms. Grandty** (Indonesia) said that, in 2013, 15 kilos of rice had been distributed each month to poor families, which had enabled the Government to guarantee the right to food for the population and to stabilize the market price of the staple.

33. **Ms. Viora** (Indonesia) said that the high rate of maternal mortality was due to the fact that many women fell pregnant too young or too late in life, and often had several pregnancies one after another. Specifically, women did not have adequate access to prenatal and postnatal health care and women giving birth often arrived too late at health-care facilities. The Government had taken steps to improve the situation, including by hiring local midwives to prepare expectant mothers for childbirth and prevent complications, and by introducing neonatal health services and emergency services in hospitals. In that way, and with the help of development partners such as the World Health Organization (WHO), the Government hoped to get closer to achieving the Millennium Development Goals.

34. To cope with the resurgence of smoking, including the number of smokers, the Indonesian Government had adopted various laws and regulations on tobacco and addictive substances and had established partnerships in different provinces and cities nationwide, as well as partnerships with non-governmental organizations. In particular it had conducted awareness-raising campaigns about the harmful effects of tobacco, restricted the broadcasting slots for advertising tobacco products from 9 p.m. to 5 a.m., increased taxes on tobacco and made it compulsory to include health warnings on cigarette packs. The Government had convened a ministerial meeting to discuss the possibility of ratifying the WHO Framework Convention on Tobacco Control.

35. In order to combat female genital mutilation, the Government, which was opposed to the practice, had launched awareness-raising campaigns among families and religious and community leaders, and, in February 2014, the Ministry of Health had adopted regulations invalidating the provisions of Regulation No. 10 of 2010 on excision.

36. The new national health-care system established in early 2014 was much criticized by users, mainly because of the uneven quality of care provided and skills of staff, and the limited access, in some regions, to health-care facilities. A dedicated line had been established to receive complaints from patients and to enable hospital administrators to communicate with the Ministry of Health.

37. The Government attached great importance to the housing policy and the development of related infrastructures, such as sanitation, water supply and electricity, and even road construction. From 2012 to 2013, it had endeavoured to improve infrastructures and to reduce the number of slums in the country.

38. **Mr. Arif** (Indonesia) said that, to facilitate the process of granting title to land, mobile teams were travelling around the country to enable interested parties to make the necessary arrangements. One million people had obtained title to land in that way in 2010. The so-called "underdeveloped regions" were actually regions that, for various reasons, developed less rapidly than others. That was particularly the case of the remote island regions, the regions at greatest risk of natural disasters, regions that were lagging behind in terms of infrastructure or regions without natural and human resources. All were covered by a development plan along with a sizeable budget that the Government did not intend to reduce.

39. The principle of gender equality was enshrined in Indonesian legislation, and many women held positions of responsibility in the civil service, particularly in the army or the police. That principle was entirely consistent with Islamic law.

Articles 13 to 15

40. **Mr. Mancisidor** asked whether the State party made sure that the additional funds allocated to education guaranteed greater access to education for children from poor families in particular. Referring to paragraph 232 of the report, he asked how science and technology could be contrary to religious values and national unity.

41. **Ms. Ravenberg** wondered whether education was really free or whether parents were required to purchase textbooks and bear other costs related to education. She wished to know whether human rights education was part of the school curriculum and why deaf, dumb, blind and disabled children were excluded from entrance exams in universities.

42. **Mr. Marchán Romero** asked whether the State party recognized the collective rights of different ethnic groups that coexisted in the country. Noting that according to paragraph 277 of the report, 10 local languages were already extinct and another 32 were endangered, he asked whether the State party intended to take steps to reverse that trend.

43. **Mr. Schrijver** asked about the school dropout rate for girls, especially those from poor families, and whether the many programmes described in the replies to questions 32 and 33 of the list of issues had yielded results.

The meeting rose at 1 pm.